

Attorney's Docket:1999DE119
Serial No.09/577,464
Group:1714

REMARKS

The Office Action mailed November 18, 2003, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-28 are pending in this Application. Claims 23-28 have been withdrawn as being directed to a non-elected invention. By this Amendment, claims 1-4, 6, 7, 14, 16-18, 20 and 22 have been amended.

Election/Restrictions

The Office has restricted the Application to one of the following inventions under 35 USC § 121:

- I. Claims 1-22, drawn to a process for the production of (metal) salts of alkylphosphonous acids, classified in class 562, subclass 8; and
- II. Claims 23-28, drawn to the use of a (metal) salt of an alkylphosphonous acid, classified in class 252, subclass 609.

For prosecution in this Application, Applicants elect group I, claims 1-22, without traverse.

Claim Rejections Under 35 USC § 112, Second Paragraph

The Office states that there exists insufficient antecedent basis for the limitation "wherein the organic solvents employed are/is ..." in claims 6 and 7.

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Claims 6 and 7 have been amended to depend from claim 5, thereby providing antecedent basis for the above stated limitation. In view of this amendment, it is respectfully contended that the rejection under 35 USC § 112, second paragraph has been overcome.

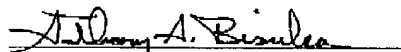
Double Patenting

Claims 1-22 stand rejected under the judicially created doctrine of obviousness – type double patenting as being unpatentable over claims 1-32 of US Patent No. 6,278,012; claims 1-41 of US Patent No. 6,359,171; claims 1-27 of US Patent No. 6,583,315; claims 1-16 of US Patent No. 6,090,967; and claims 1-27 of US Patent No. 6,090,968.

Attached herewith is a terminal disclaimer to the above referenced patents and in compliance with 35 CFR § 1.321(c). It is, therefore, respectfully contended that the rejection under judicially created doctrine of obviousness – type double patenting has been overcome.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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